

take further action in accordance with this Act.

"(F) RESERVATION OF EMERGENCY AUTHORITY.—Nothing in this paragraph limits or affects the emergency powers of the Commission provided under section 8a(9).

"(10) NO EFFECT ON OTHER AUTHORITY.—This subsection shall not affect the authority of the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C. 717 et seq.)."

SEC. 05. PROHIBITION OF FRAUDULENT TRANSACTIONS.

Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—It shall be unlawful for any person, directly or indirectly, in or in connection with any account, or any offer to enter into, the entry into, or the confirmation of the execution of, any agreement, contract, or transaction subject to this Act—

"(1) to cheat or defraud or attempt to cheat or defraud any person (but this paragraph does not impose on parties to transactions executed on or subject to the rules of designated contract markets or registered derivative transaction execution facilities a legal duty to provide counterparties or any other market participants with any material market information);

"(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered for any person any false record (but this paragraph does not impose on parties to transactions executed on or subject to the rules of designated contract markets or registered derivative transaction execution facilities a legal duty to provide counterparties or any other market participants with any material market information);

"(3) willfully to deceive or attempt to deceive any person by any means whatsoever (but this paragraph does not impose on parties to transactions executed on or subject to the rules of designated contract markets or registered derivative transaction execution facilities a legal duty to provide counterparties or any other market participants with any material market information); or

"(4) except as permitted in written rules of a board of trade designated as a contract market or derivatives transaction execution facility on which the agreement, contract, or transaction is traded and executed—

"(A) to bucket an order;

"(B) to fill an order by offset against 1 or more orders of another person; or

"(C) willfully and knowingly, for or on behalf of any other person and without the prior consent of the person, to become—

"(i) the buyer with respect to any selling order of the person; or

"(ii) the seller with respect to any buying order of the person."

SEC. 06. FERC LIAISON.

Section 2(a)(9) of the Commodity Exchange Act (7 U.S.C. 2(a)(9)) is amended by adding at the end the following:

"(C) LIAISON WITH FEDERAL ENERGY REGULATORY COMMISSION.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission."

SEC. 07. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in paragraph (3) of the tenth sentence—

(1) by inserting "(A)" after "assess such person"; and

(2) by inserting after "each such violation" the following: ", or (B) in any case of manip-

ulation of, or attempt to manipulate, the price of any commodity, a civil penalty of not more than the greater of \$1,000,000 or triple the monetary gain to such person for each such violation."

(b) MANIPULATIONS AND OTHER VIOLATIONS.—Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended in the first sentence—

(1) by striking "paragraph (a) or (b) of section 9 of this Act" and inserting "subsection (a), (b), or (f) of section 9"; and

(2) by striking "said paragraph 9(a) or 9(b)" and inserting "subsection (a), (b), or (f) of section 9".

(c) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(1) in the first sentence—

(A) by inserting "section 2(g)(9)," after "sections 5 through 5c,"; and

(B) by inserting before the period at the end the following: ", or, in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty of not more than \$1,000,000 for each such violation"; and

(2) in the second sentence, by inserting before the period at the end the following: ", except that if the failure or refusal to obey or comply with the order involved any offense under section 9(f), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(f)".

(d) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of the Commodity Exchange Act (7 U.S.C. 13a-1(d)) is amended by striking "(d)" and all that follows through the end of paragraph (1) and inserting the following:

"(d) CIVIL PENALTIES.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

"(1) a civil penalty in the amount of not more than the greater of \$100,000 or triple the monetary gain to the person for each violation; or

"(2) in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty in the amount of not more than the greater of \$1,000,000 or triple the monetary gain to the person for each violation."

(e) VIOLATIONS GENERALLY.—Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) by adding at the end the following:

"(f) PRICE MANIPULATION.—It shall be a felony punishable by a fine of not more than \$1,000,000 for each violation or imprisonment for not more than 10 years, or both, together with the costs of prosecution, for any person—

"(1) to manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity;

"(2) to corner or attempt to corner any such commodity;

"(3) knowingly to deliver or cause to be delivered (for transmission through the mails or interstate commerce by telegraph, telephone, wireless, or other means of communication) false or misleading or knowingly inaccurate reports concerning market information or conditions that affect or tend to affect the price of any commodity in interstate commerce; or

"(4) knowingly to violate section 4 or 4b, any of subsections (a) through (e) of subsection 4c, or section 4h, 4o(1), or 19."

SEC. 08. CONFORMING AMENDMENTS.

(a) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (d)(1), by striking "section 5b" and inserting "section 5a(g), 5b,";

(2) in subsection (e)—

(A) in paragraph (1), by striking ", 2(g), or 2(h)(3)"; and

(B) in paragraph (3), by striking "2(h)(5)" and inserting "2(g)(7)";

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h) (as redesignated by subparagraph (C))—

(A) in paragraph (1)—

(i) by striking "No provision" and inserting "IN GENERAL.—Subject to subsection (g), no provision"; and

(ii) in subparagraph (A)—

(I) by striking "section 2(c), 2(d), 2(e), 2(f), or 2(g) of this Act" and inserting "subsection (c), (d), (e), or (f)"; and

(II) by striking "section 2(h)" and inserting "subsection (g)"; and

(B) in paragraph (2), by striking "No provision" and inserting "IN GENERAL.—Subject to subsection (g), no provision".

(b) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting ", or pursuant to an exemption under section 4(c)" after "transaction execution facility".

(c) Section 8a(9) of the Commodity Exchange Act (7 U.S.C. 12a(9)) is amended—

(1) by inserting "or covered entity under section 2(g)" after "direct the contract market";

(2) by striking "on any futures contract"; and

(3) by inserting "or covered entity under section 2(g)" after "given by a contract market".

SA 877. Mr. REID proposed an amendment to amendment SA 876 proposed by Mrs. FEINSTEIN (for herself, Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, and Mr. LEAHY) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 17 after line 25.

"(10) APPLICABILITY.—This subsection does not apply to any agreement, contract, or transaction in metals."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 10, 2003, at 9:30 a.m., in closed session to receive testimony on certain intelligence programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 10, 2003, at 10:00 a.m. to conduct an oversight hearing on "The Administration's Proposal for Re-authorization of The Federal Public Transportation Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 10, 2003, at 9:30 a.m., on Reauthorization of the Federal Motor Carrier Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND
WATER

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on Tuesday, June 10 at 10 a.m., to conduct a hearing to receive testimony regarding the current regulatory and legal status of federal jurisdiction of navigable waters under the Clean Water Act, in light of the issues raised by the Supreme Court in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* No. 99-1178.

The hearing will take place in Senate Dirksen 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 10, 2003, at 2:30 p.m., in room SD-366 to receive testimony on the following bills: S. 499, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a Memorial to honor the Buffalo Soldiers; S. 546, to provide for the protection of paleontological resources on Federal lands, and for other purposes; S. 643, to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes; S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; S. 1060 and H.R. 1577, to designate the visitors' center at Organ Pipe Cactus National Monument, Arizona, as the "Kris Eggle Visitors' Center"; H.R. 255, to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska, and H.R. 1012, to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Tanner John-

son and Neil Naraine of my staff be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—
S. 1215

Mr. MCCONNELL. Mr. President, we have been negotiating all day with Senator BAUCUS, the ranking member of the Finance Committee, in the hopes of getting the Burma bill cleared, but, regretfully, that has not occurred yet.

Time is passing. I was at a meeting with the President just an hour ago. He brought up the issue. Both the Republican and Democratic leaders of the Senate are in favor of this bill. Both the chairman and the ranking member of the Foreign Relations Committee are in favor of this bill. My good friend, the assistant Democratic leader, is in favor of this bill. It is time to pass it.

We have been protecting, under a rule XIV procedure, the possibility of going to this bill tomorrow. But I must say, I think it would be a lot better to go to it tonight. So I have notified the Senator from Nevada that I am going to make the following unanimous consent request, and I will do that at this point.

Mr. President, I ask unanimous consent that tomorrow, at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of S. 1215, the Burma sanctions bill, under the following conditions: 1 hour of debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the measure, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have been told by Senator BAUCUS and Senator GRASSLEY that they object to this. I would say this, however; that people in Burma, toward whom this is directed, should not rest easy. We are going to figure out a way to have this matter brought before the Senate.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, let me say to my good friend from Nevada, I have not heard from Senator GRASSLEY. I keep hearing from the other side that Senator GRASSLEY objects, but I have not heard that, nor have floor staff been informed that he does. But either way, it is time to move forward, and it needs to be done this week, and should be done with a tight time agreement and a rollcall vote.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous

consent that at 11 o'clock a.m., on Wednesday, June 11, the Senate proceed to executive session for the consideration of Calendar No. 220, the nomination of Richard Wesley, to be United States Circuit Judge for the Second Circuit; provided further that there then be 15 minutes for debate equally divided between the chairman and ranking member prior to a vote on the confirmation of the nomination, with no intervening action or debate. I further ask consent that following the vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I ask the Senator to modify his request to allow the chairman and ranking member, or their designees, to control the time. I also say this: If he accepts that modification, this will be the 129th judge we will have approved during the tenure of President Bush, and this will be the 36th circuit judge.

Mr. MCCONNELL. Mr. President, I so modify my unanimous consent request.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

ROBERT P. HAMMER POST OFFICE
BUILDING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 1625, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1625) to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the "Robert P. Hammer Post Office Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUTENBERG. Mr. President, I am delighted that the Senate is poised to pass H.R. 1625, a bill to designate the United States Post Office located at 1114 Main Avenue in Clifton, NJ, as the "Robert P. Hammer Post Office Building."

Robert Hammer was a dedicated public official, working as City Manager of Clifton, NJ, for 7 years before his death last December at the age of 54. Among the many accomplishments during his tenure, Bob Hammer oversaw a nationally recognized recycling program and helped improve town parks and playgrounds.

It is particularly gratifying that the Senate will pass this measure in time for the facility's dedication ceremony this Saturday, June 14. It will mean so much to Bob's family to have this bill passed in time for the dedication.

I also thank Senator COLLINS and Senator LIEBERMAN for their help in